



CRM-M-55621-2024

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**121 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-55621-2024

Date of Decision: 08.11.2024

Regal Hydrocarbons and another

..... Petitioners

Versus

M/s SVA Constructions Pathrala

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Piyush Setia, Advocate, for the petitioner.

Rajesh Bhardwaj, J.

1. The petitioner has approached this Court by way of filing the present petition for quashing of order dated 28.10.2024 (Annexure P-7) passed by learned JMIC, Dabwali, District Sirsa, vide which evidence of the petitioner/accused has wrongly and illegally been closed by order.

2. It has been submitted by learned counsel for the petitioner that the petitioner has been prosecuted in a complaint filed under Section 138 of Negotiable Instruments Act, 1881. He submits that learned trial Court had issued summons for witness, namely Babbu Sandhu on 19.10.2024 for 28.10.2024. He submits that as per report of the process server dated 26.10.2024, it is apparent that the said witness, Babbu Sandhu could not be served. He submits that however, the trial Court on 28.10.2024 had closed the evidence of the petitioner-accused. It is submitted that the petitioner would suffer an irreparable loss and injury, if the said witness is not examined. He submits that in the interest of justice, the petitioner be granted one effective opportunity to examine witness Babbu Sandhu.

3. Heard.

4. After hearing learned counsel for the petitioner and perusing the

record, it is apparent that the petitioner before this Court is the accused in a complaint filed under Section 138 of the Negotiable Instruments Act, 1881 before learned JMIC, Dabwali. On 19.10.2024, learned JMIC issued notice to the witness, namely, Babbu Sandhu for 28.10.2024, however, due to non-service on the said witness, he could not be examined on the date fixed i.e. 28.10.2024 and evidence of the petitioner-accused was also closed on 28.10.2024 itself. Thus, in view of the overall facts and circumstances of the present case, this Court finds that the petitioner-accused deserves to be granted one effective opportunity to examine the said witness, Babbu Sandhu.

5. Hence, the order dated 28.10.2024 is set aside and the present petition is allowed. The trial Court is directed to grant one effective opportunity to the petitioner-accused for examining witness Babbu Sandhu.

		(RAJESH BHARDWAJ)
		JUDGE
08.11.2024	Whether Speaking/Reasoned :	Yes/No
sharmila	Whether Reportable :	Yes/No